

**ORIGINAL**

Before the  
SURFACE TRANSPORTATION BOARD



Finance Docket No. 34561

212352

~~CANADIAN PACIFIC RAILWAY COMPANY-TRACKAGE RIGHTS  
EXEMPTION-NORFOLK SOUTHERN RAILWAY COMPANY-BUFFALO, ny~~

Finance Docket No. 34562

212353

~~NORFOLK SOUTHERN RAILWAY COMPANY-TRACKAGE RIGHTS  
EXEMPTION-DELAWARE AND HUDSON RAILWAY COMPANY, INC-  
BETWEEN SARATOGA SPRINGS, NY, AND BINGHAMTON, NY~~

~~Docket No. AB-156 (Sub-No. 25X)~~

~~DELAWARE AND HUDSON RAILWAY COMPANY, INC.-DISCONTINUANCE  
OF TRACKAGE RIGHTS-BETWEEN LANESBORO, PA, AND BUFFALO, ny~~

STATEMENT OF POSITION

ENTERED  
Office of Proceedings

OCT 26 2004

Part of  
Public Record

Samuel J. Nasca,<sup>1/</sup> for and on behalf of United Transportation Union-New York State Legislative Board (UTU-NY), is in receipt of a 3-page letter from counsel for Canadian Pacific Railway Company (CPRC) and Delaware and Hudson Railway Company, Inc. (D&H), and a 4-page letter from counsel for Norfolk Southern Railway Company (NSR), both suggesting that since UTU-NY did not request a "further stay," that somehow UTU-NY has lost interest in its request for a stay. (CPRC/D&H Letter, pp, 1, 2; NSR Letter, pp. 1).

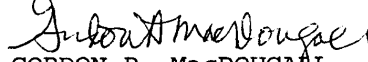
<sup>1/</sup> New York State Legislative Director for United Transportation Union, with offices at 35 Fuller Road, Albany, NY 12205.

UTU-NY did not read the Chairman's stay decision of October 7 as requiring, or even suggesting, a supplemental filing by UTU-NY on its stay request submitted October 5. The Chairman issued a "housekeeping stay" to enable additional time to consider the UTU-NY petition for stay, and to allow the submission of petitions to revoke, all of which are set forth in the October 7 stay decision.

UTU-NY fully supports its stay request, which is even more imperative in light of the Board's October 21 action in instituting the investigation into the exemption for discontinuance in Docket No. AB-156 (Sub-No. 25X).

UTU-NY wishes to correct any misunderstanding which the CPRC/D&H and NSR letters may have implied. The stays should be continued.

Respectfully submitted,

  
GORDON P. MacDOUGALL  
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October 26, 2004

Attorney for Samuel J. Nasca

Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties by first class mail postage-prepaid.

Washington DC

  
Gordon P. MacDougall